

PETER H. CUTTITTA – SBN 3050

Email: cuttitta@portersimon.com

BRIAN HANLEY – SBN 9052

Email: hanley@portersimon.com

PORTER SIMON

Professional Corporation

675 Sierra Rose Dr., Suite 116

Reno, NV 89511

Telephone: (775) 322-6767

Facsimile: (530) 587-1316

CHARLES N. FREIBERG – Admitted *Pro Hac Vice*

Email: cfreiberg@kasowitz.com

BRIAN P. BROSNAHAN – Admitted *Pro Hac Vice*

Email: bbrosnahan@kasowitz.com

DAVID A. THOMAS – Admitted *Pro Hac Vice*

Email: dthomas@kasowitz.com

JACOB N. FOSTER – Admitted *Pro Hac Vice*

Email: jfoster@kasowitz.com

KASOWITZ, BENSON, TORRES & FRIEDMAN LLP

101 California Street, Suite 2300

San Francisco, CA 94111

Telephone: (415) 421-6140

Facsimile: (415) 398-5030

Attorneys for Plaintiffs

SUSAN K. MYERS, MICHAEL F. MYERS

and KEITH J. GOTT

**UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF NEVADA**

SUSAN K. MYERS, individually and as trustee of the Susan K. Myers Living Trust dated January 8, 2001, MICHAEL F. MYERS, individually and as trustee of the Susan Myers Massachusetts Trust, dated July 11, 2008, and KEITH J. GOTT, as trustee of the Michael F. Myers Massachusetts Trust, dated October 23, 2008, and the Michael F. Myers Massachusetts Trust, dated December 3, 2008,

Plaintiffs,

v.

JAMES ARCHIBALD and PORT CAPITAL MANAGEMENT LLC, a limited liability company,

Defendants.

**Case No: 3:10-cv-258-RCJ-RAM**

**CERTIFICATE OF SERVICE**

**CERTIFICATE OF SERVICE**

I, JO ANNE CHILDRESS, declare that I am a citizen of the United States and I am over 18 years of age. I am not a party to the above entitled action. My business address is 101 California Street, Suite 2300, San Francisco, California 94111.

On July 20, 2011, I caused the attached document entitled:

**STIPULATION AND [PROPOSED] ORDER RE AMENDMENT TO  
DISCOVERY PLAN**

to be sent to the following:

Louis M. Ciavarra, Esq.  
AiVi Nguyen, Esq.  
Bowditch & Dewey, LLP  
311 Main Street  
P.O. Box 15156  
Worcester, MA 01615-0156

Email: lciavarra@bowditch.com  
Email: anguyen@bowditch.com  
Tel. No.: 508-926-3408  
Fax No.: 508-929-3011

Attorneys for Defendants JAMES  
ARCHIBALD and PORT CAPITAL  
MANAGEMENT, LLC

Stephen C. Balkenbush, Esq.  
THORNDAL, ARMSTRONG, DELK,  
BALKENBUSH & EISINGER  
6590 S. McCarran, Suite B  
Reno, NV 89509

Email: sbalkenbush@thorndal.com  
Telephone: (775) 786-2882  
Facsimile: (775) 786-8004

Attorneys for Defendants JAMES  
ARCHIBALD and PORT CAPITAL  
MANAGEMENT, LLC

☒ **By Electronic Service (LR 5-3).** I caused the above-documents to be electronically filed on this date with the clerk of the Court using the CM/ECF system, which will automatically e-serve the same on the attorneys of record indicated on the generated Notice of Electronic Filing and served as follows any attorneys of record which are designated on the Clerk's Service List(\*) to require alternate service as follows:

**By Mail.** I placed the above-documents in sealed envelope(s), with postage thereon fully prepaid, for collection and mailing at San Francisco, California, following ordinary business practices. I am readily familiar with the practices of Kasowitz, Benson, Torres and Friedman for processing of correspondence, said practice being that in the ordinary course of business, correspondence is deposited in the United States Postal Service the same day as it is placed for processing.

**By Federal Express.** I served such envelope or package to be delivered on the same day to an authorized courier or driver authorized by Federal Express to receive documents, in an envelope or package designated by Federal Express.

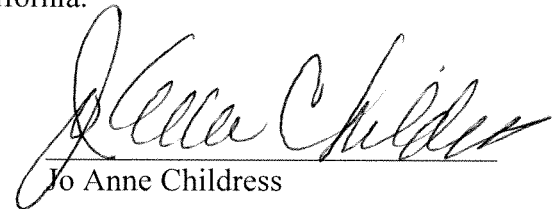
1 **By Personal Service.** I caused the above documents to be delivered by hand to the addressee(s)  
noted above.

2 **By Facsimile.** I caused the above documents to be served via facsimile electronic equipment  
3 transmission to the number indicated after the address(es) noted above.

4 **By Email.** I caused the above documents to be served via email transmission to the e-mail  
5 addresses noted above.

6 I declare under penalty of perjury that the foregoing is true and correct.

7 Executed on July 20, 2011 at San Francisco, California.

8  
9  
10   
Jo Anne Childress